

# SENATE BILL No. 1348

June 29, 2006, Introduced by Senator GARCIA and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending sections 8511 and 8513 (MCL 600.8511 and 600.8513),  
section 8511 as amended by 1999 PA 75 and section 8513 as added by  
1984 PA 278.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 8511. A district court magistrate ~~shall have~~ **HAS** the  
2 following jurisdiction and duties:

3           (a) To arraign and sentence upon pleas of guilty or nolo  
4 contendere for violations of the following acts or parts of acts,  
5 or a local ordinance substantially corresponding to these acts or  
6 parts of acts, when authorized by the chief judge of the district  
7 court and if the maximum permissible punishment does not exceed 90

1 days in jail or a fine, or both:

2 (i) Part 487 of the natural resources and environmental  
3 protection act, 1994 PA 451, MCL 324.48701 to 324.48740.

4 (ii) Part 401 of the natural resources and environmental  
5 protection act, 1994 PA 451, MCL 324.40101 to 324.40119.

6 (iii) Part 801 of the natural resources and environmental  
7 protection act, 1994 PA 451, MCL 324.80101 to 324.80199.

8 (iv) The motor carrier act, 1933 PA 254, MCL 475.1 to 479.43.

9 (v) Motor carrier safety act of 1963, 1963 PA 181, MCL 480.11  
10 to ~~480.22~~ 480.25.

11 (vi) Dog law of 1919, 1919 PA 339, MCL 287.261 to 287.290.

12 (vii) Section 703 or 915 of the Michigan liquor control code of  
13 1998, 1998 PA 58, MCL 436.1703 and 436.1915.

14 (viii) Part 5 of the natural resources and environmental  
15 protection act, 1994 PA 451, MCL 324.501 to 324.511.

16 (ix) Part 89 of the natural resources and environmental  
17 protection act, 1994 PA 451, MCL 324.8901 to 324.8907.

18 (x) Part 435 of the natural resources and environmental  
19 protection act, 1994 PA 451, MCL 324.43501 to 324.43561.

20 (xi) Part 731 of the natural resources and environmental  
21 protection act, 1994 PA 451, MCL 324.73101 to 324.73111.

22 (xii) Chapter LXXXV of the Michigan penal code, 1931 PA 328,  
23 MCL 750.546 to 750.552b.

24 (b) To arraign and sentence upon pleas of guilty or nolo  
25 contendere for violations of the Michigan vehicle code, 1949 PA  
26 300, MCL 257.1 to 257.923, or a local ordinance substantially  
27 corresponding to a provision of the Michigan vehicle code, 1949 PA

1 300, MCL 257.1 to 257.923, except for violations of sections 625  
2 and 625m of the Michigan vehicle code, 1949 PA 300, MCL 257.625 and  
3 257.625m, or a local ordinance substantially corresponding to  
4 section 625 or 625m of the Michigan vehicle code, 1949 PA 300, MCL  
5 257.625 and 257.625m, when authorized by the chief judge of the  
6 district court and if the maximum permissible punishment does not  
7 exceed 93 days in jail or a fine, or both. However, the magistrate  
8 may have the jurisdiction to arraign defendants and set bond with  
9 regard to violations of sections 625 and 625m of the Michigan  
10 vehicle code, 1949 PA 300, MCL 257.625 and 257.625m, or a local  
11 ordinance substantially corresponding to section 625 or 625m of the  
12 Michigan vehicle code, 1949 PA 300, MCL 257.625 and 257.625m.

13 (c) To arraign and sentence upon pleas of guilty or nolo  
14 contendere for violations of part 811 or 821 of the natural  
15 resources and environmental protection act, 1994 PA 451, MCL  
16 324.81101 to 324.81150 and 324.82101 to 324.82160, or a local  
17 ordinance substantially corresponding to a provision of part 811 or  
18 821 of the natural resources and environmental protection act, 1994  
19 PA 451, MCL 324.81101 to 324.81150 and 324.82101 to 324.82160,  
20 except for violations of sections 81134, 81135, 82128, and 82129 of  
21 the natural resources and environmental protection act, 1994 PA  
22 451, MCL 324.81134, 324.81135, 324.82128, and 324.82129, or a local  
23 ordinance substantially corresponding to sections 81134, 81135,  
24 82128, and 82129 of the natural resources and environmental  
25 protection act, 1994 PA 451, MCL 324.81134, 324.81135, 324.82128,  
26 and 324.82129, when authorized by the chief judge of the district  
27 court and if the maximum permissible punishment does not exceed 93

1 days in jail or a fine, or both. However, the magistrate may have  
2 the jurisdiction to arraign defendants and set bond with regard to  
3 violations of sections 81134, 81135, 82128, and 82129 of the  
4 natural resources and environmental protection act, 1994 PA 451,  
5 MCL 324.81134, 324.81135, 324.82128, and 324.82129.

6 (D) TO ARRAIGN, WHEN AUTHORIZED BY THE CHIEF JUDGE OF THE  
7 DISTRICT COURT, FOR A VIOLATION ARISING DIRECTLY OUT OF A CASE FOR  
8 WHICH A JUDGE OR MAGISTRATE CONDUCTED THE ARRAIGNMENT UNDER  
9 SUBDIVISION (A), (B), OR (C), INVOLVING THE SAME DEFENDANT. THIS  
10 SUBDIVISION APPLIES ONLY TO VIOLATIONS PUNISHABLE BY IMPRISONMENT  
11 FOR NOT MORE THAN 1 YEAR OR A FINE, OR BOTH, INCLUDING, BUT NOT  
12 LIMITED TO, A CONTEMPT VIOLATION OR A VIOLATION OF A CONDITION OF  
13 PROBATION IMPOSED IN THE ORIGINAL CASE.

14 (E) ~~—(d)—~~ To issue warrants for the arrest of a person upon  
15 the written authorization of the prosecuting or municipal attorney,  
16 except written authorization shall not be required for a vehicle  
17 law or ordinance violation within the jurisdiction of the  
18 magistrate if a police officer issued a traffic citation pursuant  
19 to section 728 of the Michigan vehicle code, 1949 PA 300, MCL  
20 257.728, and the defendant failed to appear.

21 (F) ~~—(e)—~~ To fix bail and accept bond in all cases.

22 (G) ~~—(f)—~~ To issue search warrants, when authorized to do so  
23 by a district court judge.

24 Sec. 8513. (1) When authorized by the chief judge of the  
25 district and whenever a district judge is not immediately  
26 available, a district court magistrate may conduct ~~the first~~ **AN**  
27 appearance of a defendant before the court in all criminal and

1 ordinance violation cases, including acceptance of any written  
2 demand or waiver of preliminary examination and acceptance of any  
3 written demand or waiver of jury trial. ~~—, but~~ **HOWEVER**, this  
4 section ~~shall~~ **DOES** not authorize ~~any~~ **A** district court  
5 magistrate to accept a plea of guilty or nolo contendere not  
6 expressly authorized pursuant to section 8511 or 8512a. A defendant  
7 neither demanding nor waiving preliminary examination in writing  
8 ~~shall be~~ **IS** deemed to have demanded preliminary examination and a  
9 defendant neither demanding nor waiving jury trial in writing  
10 ~~shall be~~ **IS** considered to have demanded a jury trial.

11 (2) If authorized by the chief judge of the district, a  
12 district court magistrate may **DO ANY OF THE FOLLOWING**:

13 (a) Approve and grant petitions for the appointment of an  
14 attorney to represent an indigent defendant accused of any  
15 misdemeanor punishable by imprisonment for not more than 1 year or  
16 ordinance violation punishable by imprisonment.

17 (b) Suspend payment of court fees by an indigent party in any  
18 civil, small claims, or summary proceedings action, until after  
19 judgment has been entered.

20 (c) Upon written authorization of the prosecuting or city  
21 attorney, sign a nolle prosequi, dismissing any criminal or  
22 ordinance violation case over which the district court has  
23 jurisdiction and release any bail bond or bail bond deposit to the  
24 persons entitled ~~thereto~~ **TO THE BAIL BOND OR DEPOSIT**. However, if  
25 the preliminary examination or trial has commenced or a plea of  
26 guilty or nolo contendere has been accepted by a district court  
27 judge, the dismissal order may be entered only by that judge or his

1 or her alternate.

2 (d) Execute and issue process to carry into effect authority  
3 expressly granted by law to district court magistrates.

4 (3) A district court magistrate, for acts done within his or  
5 her jurisdiction as provided by law, ~~shall have~~ **HAS** judicial  
6 immunity to the extent accorded a district court judge.